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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,837	04/13/2004	Masahiro Shige	119432	3260

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OLIFF & BERRIDGE, PLC  
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ALEXANDRIA, VA 22320

EXAMINER
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RAMADAN, RAMY O

ART UNIT	PAPER NUMBER
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2838

MAIL DATE	DELIVERY MODE
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06/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,837	<b>Applicant(s)</b> SHIGE ET AL.	
	<b>Examiner</b> Ramy Ramadan	<b>Art Unit</b> 2838	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/02/2004, 11/29/2006</u>                                    | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

The word --discharge-- should read as --discharging--(Page 2, Para [0006], line

10.

Appropriate correction is required.

### *Claim Objections*

2. Claims 1 and 3 are objected to because of the following informalities:

The word --discharge-- should read as --discharging--(claim 1, line 5).

The word --period-- should read as --periods--(claim 3, line 22).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai et al. (JP 2002334712 A), hereinafter Kawai.**

Kawai discloses and shows in Fig. 1, a fuel cell system comprising:

a fuel cell (10) having output terminals shown by two output lines (Fig. 1);

a DC-DC converter (16) (voltage converter), which is connected to said output terminals of said fuel cell (10);

a rechargeable battery (17) (electrical storage device) that is connected in parallel to said fuel cell through the DC-DC converter, which is capable of charging and discharging (Page 1, Para [0010]);

a current sensor (20), which detects the current value output from the fuel cell to the DC-DC converter (Abstract);

Kawai teaches that the DC-DC converter can adjust the output voltage of the fuel cell to a desired voltage (which can be an open circuit voltage) (Abstract) and he further teaches that the target generated output of a fuel cell can be calculated without being influenced by a power consumption error for the current sensor (offset correction value) and thus Kawai teaches determining the power consumption error through the difference between the target generated output (which is known to be obtained by measuring the output at an open-circuit voltage) and the actual output ( Abstract and Page 1, Para [0009] and [0011]), while this operation is performed by a control unit (40) (offset correction value determination device) (Page 2, Para [0025]).

As per claim 7, the method merely recites the steps of using the elements of the device as disclosed above and since each element must be present to perform the steps, the method as claimed in claims 1 and 7 would be inherent in view of the device as disclosed by the applicant.

As per claims 2-3, Kawai teaches that the fuel cell system can be used in mobile objects such as cars (moving objects), while the operation as explained above, and shown in Fig. 1, implies that the operation is carried repeatedly with no restrictions, in addition Kawai further teaches that the control steps are carried repeatedly (Page 2,

Para [0026]), which implies on periods when power generation from the fuel cell is not required which can be before the start up of the fuel cell or during regenerative operation which is a well known operation for vehicles operated by fuel cell systems.

As per claim 4, Kawai teaches that the operation as disclosed above is performed repeatedly every predetermined period (after a prescribed time has elapsed) (Page 2, Para [0026]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai.**

Kawai discloses the claimed invention except for when the amount of power demanded by the car exceeds the amount of power that can be supplied by said electrical storage device, said offset correction value determination device does not set the output terminal voltage of said fuel cell to the open circuit voltage and does not determine the offset correction value. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to stop the operation of determining the power consumption error as disclosed by Kawai, when the amount of power demanded by the car exceeds the amount of power that can be supplied by the rechargeable

battery, since such operation would consume time and power which are needed to meet the load demand.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy Ramadan whose telephone number is (571) 272-9761. The examiner can normally be reached on Mon-Fri 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on (571) 272-1989. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramy Ramadan  
Examiner  
Art Unit 2838

RR

  
KARL EASTHOM  
SUPERVISORY PATENT EXAMINER